

## CITY OF LINCOLN, NEBRASKA

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LINCOLN, NEBRASKA APPROVING (A) A LEASE AGREEMENT AMONG THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, AS LESSEE, AND THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA, JOINTLY, AS LESSOR, (B) A LEASE AGREEMENT AMONG THE CITY AND THE COUNTY, JOINTLY, AS LESSEE, AND THE COMMISSION, AS LESSOR, AND (C) THE ISSUANCE OF NOT TO EXCEED \$2,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE BONDS; SERIES 2005B AND RELATED MATTERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

**Section 1.** The City Council (the "**Council**") of the City of Lincoln, Nebraska (the "**City**") hereby finds and determines as follows:

(a) The Council has heretofore approved the acquisition of a building and facilities known as "Courthouse Plaza" located at 633 South 9<sup>th</sup> Street in the City (the "**Project**") by the Lincoln-Lancaster County Public Building Commission (the "**Commission**") to provide space for use by certain departments and agencies of the City and The County of Lancaster, Nebraska (the "**County**").

(b) The City, the County and the Commission have determined that it is necessary, desirable, advisable and in the best interests of the City, the County and the Commission that the Commission issue not to exceed \$2,000,000 in aggregate principal amount of its Tax Supported Lease Rental Revenue Bonds, Series 2005B, dated the date of delivery thereof (the "**2005B Bonds**"), for the purpose of (a) paying the costs of the Project, (b) funding a debt service reserve fund and (c) paying the costs of issuing the 2005B Bonds.

(c) Section 13-1306, Reissue Revised Statutes of Nebraska, as amended, provides that with the prior approval of both the City and the County, the Commission shall have the power and is authorized to issue its bonds for any corporate purpose in such amounts as may be required to carry out and fully perform the purposes for which the Commission was established.

**Section 2.** The Lease Agreement, dated the date of execution and delivery thereof (the "**Site Lease**"), among the City and the County, jointly, as lessor, and the Commission, as lessee, a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference, with respect to the Project is hereby approved.

The Mayor is hereby authorized and directed to execute the Site Lease for and on behalf of the City, but with such changes, additions or deletions with respect to the Site Lease as may be in the best interests of the City, the County and the Commission, to carry out acquisition of the Project prior to the signing thereof upon advice of the City Attorney and bond counsel.

**Section 3.** The Lease Agreement, dated the date of execution and delivery thereof (the “**Lease Agreement**”), among the Commission, as lessor, and the City and the County, jointly, as lessee, a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference, with respect to the Project is hereby approved.

The Mayor is hereby authorized and directed to execute the Lease Agreement for and on behalf of the City, but with such changes, additions or deletions with respect to the Lease Agreement as may be in the best interests of the City, the County and the Commission, to carry out acquisition of the Project prior to the signing thereof upon advice of the City Attorney and bond counsel.

**Section 4.** The issuance of the 2005B Bonds in an aggregate principal amount not to exceed \$2,000,000 having the principal maturities, interest rates and redemption provisions determined by the Finance Director of the City in accordance with the terms and conditions specified in the resolution of the Commission authorizing the issuance of the 2005B Bonds is hereby ratified, confirmed and approved.

**Section 5.** This ordinance shall take effect and be in force from and after its passage and publication according to law.

*[The remainder of this page intentionally left blank.]*

**INTRODUCED BY:**

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**PASSED** \_\_\_\_\_, 2005.

**AYES:** \_\_\_\_\_

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**NAYS:** \_\_\_\_\_

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**ABSENT OR NOT VOTING:**

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**Approved as to Form:**

\_\_\_\_\_  
City Attorney

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Bond Counsel

**CONFLICT OF INTEREST:**

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**APPROVED:** \_\_\_\_\_, 2005.

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Mayor